

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Kelly R. Brown, et al.

Serial No. : Art Unit:

Filed : December 7, 2001 Examiner:

For : Implantable Biodegradable Devices For Musculoskeletal Repair or  
Regeneration

I hereby certify that this correspondence is being deposited with the  
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December 7, 2001  
(Date of Deposit)

William K. Wissing  
(Name of applicant, assignee or Registered Representative)

W.K. Wissing  
(Signature)

December 7, 2001  
(Date of Signature)

Honorable Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

Statement in Accordance with §1.97(e) (attached); or  
 Please charge Deposit Account No. 10-0750/ /

the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

Statement in Accordance with §1.97(e) (attached); or  
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the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

There are no listed references which are not in the English language.

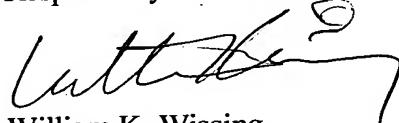
The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1613/WKW. This form is submitted in triplicate.

Respectfully submitted,



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**Substitute for form 1449A/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Serial Number	
Filing Date	December 7, 2001
First Named Inventor	Kelly R. Brown, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ETH1613

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		PCT	WO92/10218	A1	W. L. Gore & Associates, Inc.	6/25/92		
		PCT	WO99/17817	A1	Gore Enterprise Holdings, Inc.	4/15/99		
		PCT	WO84/04311	A1	Hexcel Corporation	11/8/84		
		PCT	WO99/01538	A1	Massachusetts Institute of Technology	1/14/99		
		PCT	WO99/09149	A1	Massachusetts Institute of Technology	2/25/99		
		PCT	WO95/33821	A1	Advanced Tissue Sciences, Inc.	12/14/95		
		PCT	WO99/48541	A1	University of Pittsburgh	9/30/99		

Examiner Signature \_\_\_\_\_ Date Considered \_\_\_\_\_

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached *Kinds of U.S. Patent Documents*. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.